**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:01-CR-129-GCM**

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
	)	
v.	)	ORDER
	)	
MARK MOORE,	)	
Defendant.	)	

THIS MATTER IS BEFORE THE COURT on Defendant's Motion to Appoint Counsel Pursuant to the First Step Act (Doc. No. 52), Motion to Appoint Counsel Pursuant to the First Step Act (Doc. No. 54), and Motion to Reduce Sentence Pursuant to the First Step Act (Doc. No. 55) (together, "Motions"). In the Motions, Defendant requests that the Court appoint counsel and for a reduction to his sentence under the First Step Act.

"Defendant[s] ha[ve] no right to counsel for purposes of filing an 18 U.S.C. § 3582(c) motion pursuant to the First Step Act." *United States v. Poyner*, No. 4:07cr112-1, 2019 U.S. Dist. LEXIS 230506, at *4 (E.D. Va. Oct. 10, 2019); *see also United States v. Sanders*, No. 5:07-CR-00050-KDB-CH, 2019 U.S. Dist. LEXIS 190891, at *2 (W.D.N.C. Nov. 4, 2019) ("The First Step Act does not independently give a defendant the right to counsel . . . ."). Further, Defendant has not indicated any special circumstances where due process would mandate appointment of counsel. Thus, Defendant's request for counsel is denied without prejudice.

The Court has reviewed Defendant's request for a reduction of his sentence under the First Step Act, finding that the First Step Act provides no changes to the base offense level in this case because a death occurred as a result of Defendant's offense. However, the revised statutory penalties (based on the First Step Act and Amendment 782) call for a reduction to Count 1's term of supervised release from at least ten years to at least eight years. The Court previously ordered a

concurrent term of ten years of supervised release based on Count 1's supervised release minimum.

Defendant's concurrent term of supervised release is hereby reduced to eight years.

IT IS SO ORDERED.

Signed: August 5, 2020

Graham C. Mullen
United States District Judge